REMARKS

This is a response to the Office Action dated August 13, 2003.

The examiner is requested to acknowledge the priority claim and receipt of the priority document, Canadian Patent Application 2,255,047, November 30, 1998.

Claims 7, 14 and 22 are cancelled. Claims 1, 8, 16 and 23 are amended. Claim 1 refers to "displaying" a tree structure as previously set forth in claim 14. Claims 32-39 are new. Claims 32-34 and 36-38 are based on the specification, page 21, lines 11-22. Claims 35 and 39 are based on the specification, page 16, lines 29-32.

Claims 1, 2, 7-11, 13, 15-17, 22-26 and 28-30 have been rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent 6,226,652 to Percival et al., U.S. Patent 6,216,140 to Kramer and U.S. Patent 6,446,240 to Maslov. Applicants respectfully traverse this and the other rejections

Regarding paragraph 24 of the Office Action, which addresses claim 1, 15 and 16, there is no motivation or teaching in the references to combine the references as suggested by the Examiner and it is not clear how the references could result in a working system. In particular, the combination of Percival, Kramer and Maslov would not lead one of ordinary skill in the art to the claimed invention since it is not clear how the display of Percival et al., which uses cross-hatching and the like to denote collisions, could be incorporated into a tree structure as claimed. As noted, Percival et al. does not represent the collisions using a tree structure. Maslov displays structured text and a tree that represents the structured text, but there is no disclosure or suggestion of identifying to a user the differences between elements of two files in a display. Kramer is concerned with comparing hierarchies of files and directories to determine which can be shared among different applications, but does not provide information on a specific display technique. Accordingly, Applicants respectfully submit that there would is no basis to a person of ordinary skill in the art to make the proposed combination.

Regarding claims 2 and 17, Percival et al. and the other cited references fail to disclose or suggest allowing a user to resolve differences between elements that have been highlighted in a tree structure.

Regarding claims 8 and 23, there is no motivation to combine the references as suggested since Maslov is not concerned with displaying the differences between elements of files in a display, and Percival et al. are not concerned with providing a tree structure.

Regarding claims 9 and 24, Percival et al. are always displaying the source code, so there is no concern with selective display of source code in a specified pane as claimed. Regarding Maslov, there is no mention of displaying source code for elements of a base file or modified file in separate panes since Maslov is not concerned with comparing elements of different files. Accordingly, there is no teaching in the references to make the asserted combination.

Regarding claims 10, 11, 13, 25, 26 and 28, and paragraph 26 of the Office Action, Kramer refers to merging attributes of files, not using the attributes in a comparison process as claimed.

Regarding claims 15, 16, 29 and 30, Applicants refer to the comments made regarding claim 1.

Withdrawal of the rejection is therefore respectfully requested.

Claims 3-6, 18-21 and 31 have been rejected under 35 U.S.C. §103 as being unpatentable over Percival et al. in view of Kramer and Maslov and further in view of U.S. Patent 3,711,863 to Bloom.

Regarding claims 3 and 18, Bloom is cited as teaching the marking of a section of data as removed or new. However, the computer program of Bloom is only concerned with marking statements in source programs. There is no teaching whatsoever of indicating differences between elements in a displayed tree structure. Accordingly, the claimed feature is not obvious in view of Bloom and the other references.

Regarding claims 4-6 and 19-21, the cited references do not disclose or suggest providing the user with the option of using a new element, whereby the new element and children thereof, if any, are incorporated into a merged file, since the cited references are not concerned with children elements as claimed.

Regarding claim 31, the cited references fail to disclose or suggest a hierarchical data structure including nodes corresponding to a hierarchical element contained within a base file or a modified file, where each node has an indicator indicating if the node is new, changed or

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removed when comparing the nodes of the base file to the modified file. As discussed in connection with claim 1, Percival et al. do not disclose or suggest even a hierarchical data structure including nodes corresponding to a hierarchical element. Kramer does not disclose or suggest a hierarchical data structure with indicators for nodes as claimed when comparing a base file to a modified file. Maslov is not even concerned with comparing different files. Accordingly, the teachings of the cited references could not even be combined into a working system.

Withdrawal of the rejection is therefore respectfully requested.

Claims 12 and 27 have been rejected under 35 U.S.C. §103 as being unpatentable over Percival et al. in view of Kramer and Maslov and further in view of U.S. Patent 5,862,325 to Reed et al. Regarding the use of a <Uuid> tag, Reed et al. only state that UUID is an algorithm for producing unique system identifiers. There is no motivation to use the identifier as claimed by Applicants. In particular, claims 12 and 27 set forth a specific protocol for determining the information to be used in comparing the elements of the base and modified files when they are XML files. Specifically, an attribute of type ID is used if available, else a <Uuid> tag is used if available, else a name attribute is used if available, else a concatenation of a tag of the element and a value of the element are used. This approach is advantageous for the reasons discussed in the specification, page 17, line 6 to page 18, line 2. The cited references simply fail to disclose or suggest the claimed protocol.

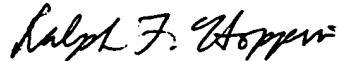Withdrawal of the rejection is therefore respectfully requested.

Claim 14 has been rejected under 35 U.S.C. §103 as being unpatentable over Percival et al. in view of Kramer and Maslov and further in view of U.S. Patent 5,806,074 to Souder et al. Claim 14 is believed to be patentable for the reasons discussed in connection with claim 1. Regarding Souder et al., Applicants respectfully believe there is no motivation to apply this reference as asserted.

Withdrawal of the rejection is therefore respectfully requested.

In summary, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance be issued. If the Examiner believes that a telephone conference with the Applicants'

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attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,

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